

# LEADERSHIP Insider

**PRACTICAL PERSPECTIVES ON SCHOOL LAW & POLICY****A Membership Benefit of NSBA National Affiliates**

## The Future of Charters

*It's been a tough year, but charter schools still hold promise for school boards*

**F**all 2004 has not been especially kind to the charter school movement. When the Charter School Academy in California abruptly closed all 60 of its schools in August, it left families, teachers, school leaders, attorneys, state agencies, and law enforcement officials scrambling. Families rushed to enroll their children in new schools as classes began. School districts and the state department of education hastened to pick up the pieces and assist these families. Teachers were left unemployed. State agencies launched investigations into fiscal mismanagement.

To make matters worse, the charter school group's unpaid creditors, including several state agencies, reportedly appear interested in seeking payment from the taxpayers whose school districts already have been left to deal with the rest of the fallout. Several districts have made their own filings to request a bankruptcy court to sort through the mess and protect the interests of taxpayers. As of this writing, some school observers in California tell NSBA that additional law enforcement officials are now involved and that additional revelations of malfeasance may be forthcoming.

Charter meltdowns are nothing new, especially in states whose charter laws have relatively weak accountability provisions. More politically problematic for charter schools was the news that they lag

cantly, the discrepancies were greater when scores were excluded for special education students, who tend to be underrepresented in charter schools.

At first blush, these events might not appear to bode well for the future of charter schools. After all, the movement is based in part on the notion that charters will do a significantly *better* job than traditional schools and, it is sometimes suggested, at significantly less cost to taxpayers. This is the case charter proponents make

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**Charter schools have the potential to be a useful reform tool for some school boards.**

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behind traditional public schools in academic achievement.

Initially revealed by the American Federation of Teachers (AFT) and later confirmed by the U.S. Department of Education's National Center for Education Statistics, scores from the National Assessment of Educational Progress (NAEP)—sometimes billed as “the Nation's Report Card”—show traditional public schools marginally outperforming charters, even when results are controlled for low-income children in urban schools. Signifi-

in attempting to persuade school boards to authorize more charter schools—that is, when some of these same proponents aren't too busy deriding school boards for insufficient charter zeal and urging state officials to provide new ways to override local concerns.

### **Don't Dismiss Charters**

The fact that some voices within the charter school movement are its own

**See Charters on page 3**

## **IN THIS ISSUE**

4

**Charter schools raise tough questions**

9

**One city's network of charter schools**

10

**So you want to be a charter school authorizer**

*Leadership Insider*, is published six times annually by NSBA's National Education Policy Network and its Council of School Attorneys in cooperation with the National Affiliate Program.

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The National School Boards Association is the nationwide advocacy organization for public school governance. NSBA's mission is to foster excellence and equity in public elementary and secondary education in the United States through local school board leadership. Founded in 1940, NSBA is a not-for-profit federation of state associations of school boards and the school boards of the District of Columbia, Hawai'i, and the U.S. Virgin Islands.

**About the National Affiliate Program**

The National Affiliate Program extends NSBA's services directly to local school districts. School districts are eligible to join provided they are members in good standing of their state school boards association.

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The National Education Policy Network (NEPN) helps foster better communication, understanding and management of local school districts through better policy-making. It offers access to a sample policy clearinghouse and current policy-related resources, as well as publications and tools to help districts keep their policy manuals well-organized and up-to-date.

**About the Council of School Attorneys**

The Council of School Attorneys provides information and practical assistance to attorneys who represent public school districts. It offers legal education, specialized publications, and a forum for exchange of information, and it supports the legal advocacy efforts of the National School Boards Association.

## NCLB and Charter Schools

### *Achieving student choice under No Child Left Behind*

By **James Petrunaro**

**T**he No Child Left Behind Act mandates that districts offer students attending low-performing schools a choice to transfer to a higher-performing public school within the district—including charter schools—that meets adequate performance standards. But in some areas, the demand for NCLB transfers is outpacing the availability of high-performing “receiving” schools.

In its recent report *Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act*, the Citizens' Commission on Civil Rights suggests that one way to increase choice options is to increase the number of charter schools within district boundaries.

*Choosing Better Schools* concludes that last year, only about 5 percent of eligible students actually exercised their eligibility for transfer to a higher-performing school. Although the number of students who took advantage of choice options more than doubled from 2003-04 to 2004-05, it remains low.

One reason for the low number may be resistance on the part of students or their parents to changing schools. Some parents also say they are informed of their choice options too late in the summer to make a timely enrollment decision—or not at all.

Another explanation may be limits on interdistrict transfers. Many students prefer not to bus to schools outside their neighborhood, and for those who don't mind traveling, interdistrict transfers may not be available. Even where transfers to another district are permitted, many eligible receiving schools reach their maximum enrollment quickly and are forced to turn “choosing” students away.

### **Expanding Students' Options**

One solution to increasing student choice, the report suggests, is to expand the number of charter schools within a district's boundaries, thereby increasing choice for students currently attending low-performing schools. Charter schools' small size, customization, and flexibility can make them an appealing option for school districts seeking to increase choice options and the availability of successful neighborhood schools.

Simply increasing the number of charter schools within a given district is not

sufficient, however. It may give students more choice in where to attend school, but the district must ensure that the charter schools are successful in order to reach state and federal accountability objectives and provide high-quality public education to every student. (See page 10 for suggestions on charter school oversight.)

To truly increase student choice, school districts should consider turning to successful charter schools—both within and (where allowed) near district boundaries—to receive children transferring from underperforming schools. Districts can look to replicate successful charter school models that have been championed elsewhere and can demand that states help guarantee better school performance by increasing funding and resources to individual charter schools and their authorizers.

Authorizing good charter schools will allow districts to increase the number of high-quality schools in the district and make it easier to comply with the student choice provisions of NCLB.

Naturally, public charter schools are not exempt from the regulations and objectives of the No Child Left Behind Act and must meet the education standards set forth under the act. But because they are free from some of the constraints facing traditional public schools, they may prove to be a valuable asset in furthering the student choice option set forth in the act.

“Choice will provide an added incentive for school districts either to upgrade the offerings at schools that persistently perform poorly or to close them and allow better public schools to grow and flourish,” the Citizens' Commission on Civil Rights says in its report. As such, public school choice, including charter schools, can be a useful tool in efforts to improve educational opportunities for all students—but especially for disadvantaged children.

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*Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act, is online at [www.cccr.org/ChoosingBetterSchools.pdf](http://www.cccr.org/ChoosingBetterSchools.pdf).*

## CHARTERS

*Continued from page 1*

worst enemies, coupled with recent developments, could cause school board members and administrators to dismiss charters, their motives, their potential, and their growing importance in public education. This issue of *Leadership Insider* proceeds from the premise that this is a mistake—for a number of reasons.

First, while some state officials whose fingers have been burned are becoming more attentive to local concerns, many state politicians and charter advocates are still quick to make end runs around local control. In California, for example, the law already essentially deprives local school boards of much discretion to reject charter applications, and the state's Legislative Analyst's Office has renewed its call to extend charter authorizing authority to a range of other institutions.

The article on page 4 sets forth some questions local school leaders considering the policy and the pragmatics of charter schools need to ask, both of themselves and of federal and state policy makers.

Second, even if your state law still respects the principle of local control, federal law may portend charters in your future. Under the federal No Child Left Behind Act (NCLB), one of the possible consequences for a school that has failed to make Adequate Yearly Progress (AYP) for five years is conversion to a charter school.

For that matter, school districts could voluntarily use charters earlier as a means of realizing the promise of NCLB. This is among the conclusions of a May 2004 report by the Citizens' Commission on Civil Rights. NSBA Legal Intern James Petrungaro summarizes the commission's points on page 2.

Third, with or without the political gamesmanship—and with or without NCLB—charter schools have the potential to be a useful reform tool for some school boards. Just as headlines about underperforming school districts and persistent achievement gaps obscure the gains public education has achieved for the nation, so headlines about charter scandals can obscure the many high-quality charter schools that are succeeding in meeting the needs of students. On page 9, Florence Johnson, chair of the Buffalo, N.Y., school board, describes her board's Renaissance Project, an effort to close the achievement gap and expand parent

choice by establishing a network of district-authorized charter schools.

### Committing to Charters

A school district considering charter schools for its community must be prepared to make the required commitment to a collaborative and mutually accountable relationship. According to the NAEP data, charter schools that were authorized by local school districts outperformed all other charter schools—those authorized by state boards of education, post-secondary institutions, state charter granting authorities, or other authorizers. But failure to think through and follow through on effective accountability, oversight, and support measures will set up charter schools for failure and expose school dis-

needs of all students. Tony Derezhinski of the Michigan Association of School Boards describes on page 13 his experience serving a charter school, both in his professional capacity and as a member of the school's board.

Finally, school board members and administrators can better advocate for their students if they are conversant in how these recent charter school developments bear on wider discussions about education policy. For example, while charter schools, like public schools generally, have an uneven track record, the charter school experience has particularly troubling implications for voucher proposals, which suffer from much greater accountability weaknesses.

The furor over the NAEP data also



**Charter schools that were authorized by local school districts outperformed all other charter schools.**



tricts to the academic and fiscal consequences.

If charter applicants are capable and sincerely have the best interests of the entire school system and all of its students at heart, they will not object to strong local school district accountability. But where a district, like too many state governments, is open to the idea of charters but half-hearted about providing the resources and leadership needed for effective oversight and cooperation, it gives even the most capable and sincere charter applicant reason to consider seeking a charter from another source.

Worse, lack of strong local accountability enables unscrupulous or inept charter organizers to victimize school districts and legitimate charter school operators alike. On page 10, William Haft, until recently associate director of the National Association of Charter School Authorizers (NACSA), and Karla Schultz, NSBA manager of federal policy and guidance, outline considerations for school district leaders in considering charter applications, contracting, oversight, renewal, and revocation.

School boards associations may be able to help ensure that charter schools succeed in helping school districts meet the

highlights a frustrating but useful political reality for public education leaders: Politicians and policy wonks who tend to be dismissive of the concerns of local school districts may be more sympathetic to the same arguments when they come from the charter school community. Charter advocates are well organized and lavishly funded; the AFT's report on charter school NAEP data prompted an impressive and immediate response, which included a full-page advertisement in the *New York Times*, no trifling expense.

Their response to criticism will sound familiar to school leaders, as an excerpt from NSBA's daily blog, BoardBuzz (page 14), makes clear. While part of the response was a legitimate warning not to leap to sweeping conclusions about what one year's NAEP data mean for the whole concept of charter schools, many of the arguments contradict the rhetoric frequently voiced by public school critics, charter advocates among them.

As the charter school movement confronts such moments of truth, advocates for public school students would be well advised to pay close attention to arguments like these—and to take careful note of how policy makers respond.—Thomas Hutton, NSBA Staff Attorney

# Beyond Rhetoric

## Charter schools raise tough questions for all

By Thomas Hutton

California's experience with the Charter School Academy (see page 1) highlights thorny problems for local and state policy makers alike. It also exemplifies the regrettable dynamics between some school districts and some charter advocates that prevent the charter movement from reaching its potential.

School district officials and attorneys point out that California's state charter school law severely limits local discretion over charter authorizing decisions; essentially, a school board may not deny a qualifying charter application unless the proposed school's educational program is unsound or the applicants are demonstrably unlikely to succeed in implementing it. The decision can be appealed repeatedly.

Moreover, until the law was amended, an applicant who was granted a charter could open an unlimited number of campuses. This all-or-nothing proposition

by the charter.

If serious trouble emerges, the problems for taxpayers can be worse. On paper, California's charter law protects local taxpayers from liability for charter school mismanagement. But this indemnification is contingent on the authorizer's full compliance with all of its statutory oversight mandates.

As any lawyer knows—and as was pointed out to state officials when they were considering the legislation—this renders the provision largely meaningless. A creditor's attorney is likely to argue that the charter school's failings are, by definition, proof that the authorizer somehow must have failed in its oversight and that taxpayers are liable.

This set of circumstances has proven especially problematic in very small California school districts, which lack the resources and organizational capacity to provide effective oversight of a multi-campus entity spread over a huge geographic

Depending on how the California Charter Academy bankruptcy plays out, one might question how many other entities would queue up to assume such potential liability. Nonetheless, the California Legislative Analyst's Office, which provides fiscal and policy advice to the legislature, has renewed its earlier push for this proposal.

So once again, an important charter school event pits education advocates against one another. Once again, some of the more strident voices in the charter community accuse school boards and administrators of knee-jerk opposition to charter schools.

In most cases, this is a crude oversimplification. A local school board that denies a particular charter application is not necessarily opposed to charters per se. Nor, for that matter, is a board that determines, based on local conditions, that introducing charter schools into its own community is not the best option for improving educational outcomes. This is precisely the kind of local judgment call communities expect their own school boards to make.

By the same token, school district opposition to state charter legislation does not necessarily reflect opposition to charters writ large. The issue, of course, is what particular provisions the legislation contains.

Not surprisingly, school districts take a dim view—one informed by experience—of proposals to vest discretion over local charter decisions in remote entities with little or no direct accountability to the local community. Federal and state decision makers who promote charters vigorously, while relegating the serious issues of cost, planning, accountability, and overall academic outcomes to afterthought, should expect to get called on their actions.

The same tendency toward oversimplification afflicts evaluation of the “strength” of state charter school laws. As framed by partisans in the charter debate—and sometimes adopted uncritically by news media, commentators, and even educators—“strength” often is equated with ease or frequency of chartering. The result is that some of the states with the “strongest” charter laws have been the scenes of the incidents most damaging to the credibility of the charter movement.

That said, more credible voices in the charter community confront school districts with legitimate critiques and challenges that cannot be dismissed or ignored. Unfortunately, events like the

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meant some district authorizers had no idea what they might be getting into.

More notably, once an applicant had received a charter from any district, it could open schools in communities that never had approved the establishment of charters at all. Given the impracticalities of effective long-distance monitoring, local districts found themselves spending time and resources to draw remote authorizers' attention to local problems.

Even where charter schools may only be opened in a community that has approved them, state lawmakers often provide relatively little in the way of funding and support for effective monitoring and oversight. California law caps the amount a school district can charge a charter school for expenses necessitated

area. It also enabled charter applicants who found the higher expectations of prudent school districts inconvenient simply to seek out other authorizers that proved less discriminating.

### Recriminations

Ironically, the reaction by some charter advocates to the California fiasco has been to propose further erosion of local control and oversight. Their finger of blame is pointed not at unscrupulous charter operators, nor even at state policy makers who created these conditions, but at local school districts.

Since local oversight was inadequate in this case, they say, the answer is to grant charter authorizing powers to a host of other institutions, such as universities.





Students at Washington, D.C.'s Thurgood Marshall Academy participate in a Saturday Law Day activity at a local law firm. Charter schools may be able to leverage community resources that, fairly or unfairly, may not be mobilized to support traditional public schools.

demise of the Charter School Academy may tempt school district leaders to do just that.

Here are some hard questions—for local school officials to ask themselves about their district; for local leaders to ask themselves when considering whether charter schools make sense for their community; and for federal and state policy makers to raise in the debate over charter schools.

### How are we doing?

A charter proposal confronts local school district leaders with an implicit critique of existing schools. These same issues may prompt district leaders to consider soliciting charter applications on their own. And even if the district ultimately decides against charters, it may need to identify other options for addressing the issues raised.

For example, charter proposals often stem from misgivings about district bureaucracy. In large districts, central staff may be seen as less than responsive to school level needs. Does the school board regularly ask for school feedback on central services? Has the district considered recently how much central control over various school decisions is necessary? Have collective bargaining agreements become so unwieldy as to hinder effective and efficient decisions?

Charter school autonomy over some purchasing and personnel decisions often is cited as a key operational advantage and may be a way for the district to circumvent persistent problems. The challenge of charters may prompt negotiators on both

sides to think more carefully about the implications of their collective bargaining positions.

If district leaders are prepared to delegate authority to charter schools, they also ought to be prepared to consider what discretionary authority might be decentralized to traditional schools. This applies equally to school boards that may still be tempted to micromanage. The perennial oscillations between centralization for the sake of efficiency and accountability and decentralization for the sake of innovation and flexibility are familiar to school leaders, just as they are to those in other fields. Still, the question may be worth revisiting periodically.

### What can charters add to the mix?

Charter proposals may reflect a desire for specialty magnet programs not currently available in existing schools. Does the district have a way of gauging and addressing such interest? Other proposals may be focused on providing specialized services to at-risk children or those with special academic needs. Might this actually strengthen the system overall and realize cost efficiencies?

Many charter school parents report that the appeal of charters is more basic: smaller size and greater perceived safety. Huge, impersonal schools may be the cheapest but not the most effective model, particularly for disadvantaged students. Are charters a good option for meeting the district's school size objectives?

Alternatively, many districts are opting for smaller traditional schools or creating schools within schools. Similarly, charter

schools have no monopoly on outside-the-box thinking. Indeed, many charters differ little from traditional schools, and some innovative charters are modeled after innovative traditional schools.

Have district leaders considered departing from the norm in some existing schools? A significant fact to consider is that many parents, in choosing small or innovative schools, are willing to accept serious trade-offs in the variety of course offerings, athletic programs, or enrichment activities.

Another opportunity charters present is simply that of a blank slate: a chance to establish a shared sense of mission and professional culture from the get-go that many school leaders would envy. Some districts report that their best charter schools were formed by district personnel.

Could chartering provide the district with a drastic means of side-stepping the occasional school culture that truly is one of despair, burn-out, or inflexibility? Or could a successful charter school serve as a catalyst by modeling effective practices that traditional schools could emulate?

Charter options may also be purely matters of perception. In reality, a charter school may be no better, and perhaps worse, than its traditional counterpart. But parents generally have remained loyal even to abjectly failing charter schools. Might charters at least help increase public confidence in local schools?

Might interest in charters suggest that the district's traditional schools need to become much more attentive to, and savvy about, public perceptions? If the issue is one of choice, should the district

strengthen its public school choice options, as so many have?

Finally, another hard reality is worth considering: Might charter schools be better able to bring a greater talent pool to bear on local educational needs, especially those of disadvantaged children? Charters may enable a locality to leverage financial and community resources that, fairly or unfairly, simply will not be mobilized to

the same degree in support of traditional schools, even those that are innovating.

Charters may be more easily able to attract talented staff from nontraditional career paths. Community leaders not interested in school board or PTA service may be willing to serve on a charter school's board of directors. Private donors and foundations disinclined to fund traditional schools may support what they see

as an exciting and innovative project like a charter. Governments, too: One rural Oregon school district with declining enrollment was able to save its school simply by converting it to a charter and tapping whole new streams of federal funding.

### Will charters leave no child behind?

Perhaps the most important question for school leaders is whether the introduction of charters locally is likely, on balance, to help improve the school system as a whole. This is the promise some charter advocates make when they sing the praises of competition and innovation.

So far on this question, local leaders are probably better off relying on their own knowledge of their community rather than looking to the conflicting studies on charter school achievement, many by scholars whose position for or against charters is well established before their studies even are conducted.

As the charter record develops, some charter advocates are voicing a bit more humility than heretofore about the challenge of educating our neediest students. Still, many observers express confidence that, in the aggregate, charter schools are succeeding with many children who struggled in more traditional settings.

Local leaders can take steps to make it more likely that charters fulfill their potential for the district. Some state laws require these measures. For example, some require or favor charter school applications that will serve disadvantaged students or will not exacerbate *de facto* segregation.

Will the district provide local oversight of charter school recruiting and admissions, to help ensure that charters fulfill the intent of state law? Without such guidelines, some charters have skewed their recruitment to certain parents and students.

Even well-intended innovations like requiring parents to enter into parent involvement "contracts" raise policy questions about excluding struggling families whose work schedules are not accommodating. First-come, first-served enrollment is less conducive to genuinely open enrollment than is a lottery for all applicants.

Have district leaders thought through how they envision charter schools meeting special education requirements? As special ed costs skyrocket and the federal government continues to renege on its funding commitment, charters have strong disincentives to serve such children and may "counsel" them elsewhere. Despite the

## QUESTIONS FOR STATE AND FEDERAL POLICY MAKERS

Charters raise many hard questions for state and federal officials. Most of those that follow are directed toward states, but their importance for federal officials will increase as the federal role in education expands.

- Does state law create powerful disincentives for districts to authorize charters? Are school boards precluded from denying a charter application because of its adverse fiscal and operational impact on the system? Is local oversight hindered? More districts might consider chartering schools if states didn't micromanage their decisions.

- If the state provides for appeals of local judgment on charters, how does it propose to ensure the appeals are decided in a manner that reflects the best interest of the local community as a whole? How must the appeal body weigh such factors as adverse impacts on local schools? Must it distinctly articulate its rationale and evidence for substituting its own judgment for that of local officials?

- Does the state adequately support local monitoring and oversight? Or does it—as with so many other mandates—let local school districts worry about the costs?

- Does the state foster collaborative relationships for augmenting local efforts? Local school district oversight is indispensable, although not necessarily sufficient. Failure to think creatively about how other institutions can support, instead of supplant, local school district authorizers is symptomatic of the bureaucratic lack of vision reformers decry.

- If the state does grant authorizing powers widely, how does it propose to avoid a race to the bottom—the authorizer most lax about accountability? So far, charter schools authorized by

school districts appear to be performing better than those without local oversight.

- Does state law clearly authorize auditing and oversight by state officials where necessary? Does it require state officials to investigate upon request by local officials? This was a problem in California.

- Does state law fail to ensure that a charter can be revoked for failure to meet NCLB goals? It is inappropriate for the district to bear the consequences of the shortcomings of charter schools that it either did not authorize or had no choice but to authorize.

- If the state insists on undermining local district discretion and oversight, how will it ensure that the district is immune or indemnified from private lawsuits or state and federal enforcement actions arising from charter school operations?

- Do federal and state decisions exacerbate the inherent risk that charters may undermine the goal of leaving no child behind? The bipartisan abdication of federal leadership on special education funding, for example, is about to enter its fourth decade.

- Finally, are federal and state officials who invoke "flexibility" in support of charters considering how much inflexibility their own mandates inflict on school districts? Every time federal officials exempt charters from a condition for accepting federal funds, the onus is on them to justify why that condition must be imposed on traditional schools. State officials advocating charter legislation need to explain what formal process the legislation will require for the state to reconsider, in light of the charter experience, the mandates it imposes on local school districts.—T.H.

legitimate cost-efficiency issues, at some level this may undermine the promise of federal law and call into question what lessons charters have to impart to traditional schools that do serve such students.

Will other charter school practices yield a representative student population? For example, a hair-trigger student disciplinary code, while perhaps valuable for the school climate, may end up expelling or “counseling out” most of the difficult students to the traditional schools.

These questions of equity are fundamental to the rationale for charter schools. If charters serve significantly unrepresentative student populations, their value as “laboratories of innovation” is lessened. Even where a charter school does propose to target needy students, a school district should come to a conclusion about this trade-off.

### **What is the effect of competition?**

Equity problems also can undermine the “competition” rationale for charters. Lopsided competition may not prove much. As H. L. Mencken admonished, “There is always an easy solution to every human problem—neat, plausible, and wrong.”

If competition were the remedy for what ails struggling school systems, the Washington, D.C., public schools would be among the nation’s finest: Nearly 20 percent of the city’s students attend charters. Yet we see little evidence that this competition has brought new excellence to students in the traditional schools. Officials from communities with very high private school enrollment may dispute the idea that the “competition” has left their public schools stronger.

At some level, even the rhetoric of competition has drawbacks for district leaders and charter advocates. Some charter schools in upstate New York, for example, have adopted the kind of classy and thoughtful negative advertising style we have come to expect of politicians in tight races. This kind of thing not only harms public education as a whole, it discredits charters in the eyes of those informed enough to recognize half-baked statements. Worse, it undermines the credibility of valid criticism.

In turn, when district personnel internalize the framing of charters as competition, they may be less than supportive of the district’s charters. And when traditional schools rise to the challenge, charter schools sometimes cry foul. Every school district action and every charter

school move provoke mutual accusations of unfair treatment.

This whole dynamic undermines the kind of cooperation and shared innovation that might actually enable charters to have the desired effect of fostering systemic change. It also may prevent charter and traditional schools from jointly advocating greater support for education.

If, overall, charters leave our school systems worse off, they contradict the whole premise of the No Child Left Behind Act (NCLB). Charter advocates sometimes express frustration that district leaders can be even more skeptical of charters than the unions are. But this should come as no surprise, since school boards and district administrators are the ones responsible for thinking through what works systemically. No other charter authorizer or charter school operator has

dren are served. At any rate, taxpayers may have a thing or two to say about rhetorical suggestions that these factors should be overlooked.

For one thing, have district leaders attempted to cost out the enrollment impact on the school system? Districts have fixed costs that cannot be reduced cleanly on a student-by-student basis.

In a few cities, charters have sent the school district into what some observers call a “death spiral.” Facing decreased enrollment on the one hand and such fixed costs as debt service on the other, districts are forced to cut back on the educational program, which only prompts more parents to abandon the system. District leaders should plan prudently, where the state hasn’t made this impossible.

To make things work smoothly for both the district and the charter schools, offi-

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the legal and moral responsibility for educating all of the community’s children.

By the same token, no state or federal education official, let alone a university or private organization, is as well placed as local school officials to evaluate whether introducing charters into their particular community is more likely to improve educational outcomes overall or to have the opposite effect.

### **What are the financial and operational impacts?**

Aside from academic outcomes, responsible local leaders must think through what other effects the introduction of charter schools will have on their school system as whole.

Occasionally think tanks and commentators dismiss financial and operational concerns as “bureaucratic” considerations having little to do with the needs of children. Those actually responsible for the education of real children know this ignores reality: The fiscal and operational health of the community’s school system determines whether and how well all chil-

dren may need to spell out operational timelines in the charter or other agreements. At what point must the charter notify the district of enrollment and budget projections, so that the district can plan responsibly? What are the consequences of mistaken projections? What right will employees have to return if the district grants them leave to work at a charter school, as some states mandate?

Similarly, vaguely defining the legal roles and responsibilities of the charter school and the district can cause problems for both. For example, which is considered the local education agency for purposes of various federal laws? State law may or may not delineate these things, but the charter could.

Will the charter school’s academic results be attributable to the school district for calculating adequate yearly progress under NCLB? If so, district leaders may want to condition the charter on the school’s success in meeting state accountability requirements.

How will the district protect itself from liability for the charter operator’s acts or

omissions? Perhaps the charter should expressly establish this. In addition to liabilities like the Charter School Academy's, charter school employees have been known to seek recourse against the district for the charter's employment practices.

Finally, will the school district establish in advance, in the charter or other agreements, what will happen in the event of revocation, nonrenewal, or dissolution of the charter school? For instance, in addition to liability protections, the charter operator might be required to notify the district in advance of closure, to report all of its assets and liabilities, to provide all of its financial and business records, and to agree that all of the school's assets in excess of liabilities be returned to district.

### What about accountability?

In the conventional formulation, charters accept more accountability in return for greater flexibility. How much charter school accountability meaningfully still exceeds that of traditional schools in an NCLB world is at least debatable. But, to be sure, charters are far more accountable to taxpayers than are other privatization proposals, not least because they are subject to many NCLB provisions.

The article on page 10 sets forth some accountability considerations for school district authorizers. Here are a few more questions to think through before making a decision about authorizing.

First, effective public oversight of charters is indispensable. The "free market" notion of accountability primarily through parent choice has collided with reality. About 9 percent of charter schools have been closed, but the overwhelming majority of closings have resulted from public intervention after fiscal mismanagement—not because the schools' failings prompted parents to withdraw their children.

Districts must not, as some charter advocates suggest, too readily reject "process" accountability measures such as the safeguards listed below in favor of "outcomes" measures such as test scores or graduation rate. Outcome-based accountability alone has proven decidedly inadequate to prevent abuses, at great cost to taxpayers and to the charter movement itself.

State law generally sets an accountability floor, not a ceiling. Charter experiences have highlighted the perils against which school districts must protect taxpayers. Has the district's legal counsel taken a close look at these incidents to ensure

that the charter and other agreements unequivocally support the district's oversight role?

On the other hand, charter advocates legitimately fear that appropriate oversight may lead to the excessive bureaucratization that sometimes burdens traditional schools. Can the district identify win-win safeguards? These might include:

- Specifying that charters are subject to open records, open meetings, and ethics laws;
- Expressly prohibiting dealing with management or consulting companies controlled by members of the charter school's board and their friends and relatives;
- Requiring the charter school's board to carry errors and omission insurance;
- Requiring top charter management to be bonded;
- Specifying that, in case of conflict, the charter trumps the charter school's own internal corporate documents;
- Requiring the charter school annually to report budgets and assets and liabilities;
- Requiring the charter school annually to report compensation to officers and management employees, as well as all payments above a threshold amount made to vendors and contractors; and
- Requiring that these same safeguards apply to charter management companies.

Charters also have sincere concerns about the capacity and motives of district personnel assigned to charter oversight and support. Some of the skills required are different from those possessed by most school administrators, such as an understanding of the needs of an organization that on some matters has more in common with a start-up business than with a government agency. If these personnel are already overburdened, hostile to charters, or effectively isolated by hostile colleagues, the necessary collaboration and benefits to the school system will be elusive. Has the district thought through these issues?

One approach worth considering is whether school district oversight and support could be augmented, rather than supplanted, by third parties. Rather than becoming authorizers themselves, for example, institutions of higher learning could establish programs to support local officials. State legislation is not required (though state funding may be) for the district to develop collaborative relationships with such institutions or with private organizations.

In addition, lenders, creditors, and donors whose confidence is vital to charter school success can be another important source of effective oversight. Where the district appropriately insulates itself from liability for the charter school's actions, these entities will have even stronger incentives to pay close attention.

### Focusing on What Works

These are tough issues for everyone. The questions for federal and state officials are no easier. (Some are outlined in the sidebar on page 6.) Unfortunately, in politics the tough issues are easier to ignore or shortchange than to confront forthrightly.

We are asking public schools to do more than ever before and to meet new challenges for which some schools are under-resourced or ill-equipped. But if school districts are unable to meet these challenges, others say they are ready and willing to help do so. And at least some of these others are succeeding with some students where traditional schools have failed.

If every public school system were like the better ones, fewer people would be looking to alternatives.

Similarly, ascribing sinister motives to local communities and their school boards ultimately deserves the charter movement. School districts that have learned bitter lessons about safeguarding the public interest are not "anti-charter" for applying those lessons to their future charter dealings and asking the hard questions.

If every charter school were like the better ones, we wouldn't need such strong local accountability safeguards.

School district leaders and charter advocates might accomplish much by jettisoning shrill rhetoric and working together instead. This doesn't mean they will agree on everything. Nor does it mean charters make sense everywhere.

What does make sense is keeping the focus on strong local accountability and what works for the public school system as a whole. This should help reveal which charter advocates are sincere about really leaving no child behind. And it should help show which districts are willing to rethink what's not working and to make politically difficult decisions accordingly.

*Thomas Hutton is an NSBA staff attorney. He is a cofounder and former chairman of the board of trustees of Thurgood Marshall Academy ([www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org)), a law-related charter high school in Washington, D.C.*



# Renaissance in Buffalo

## One city's network of charter schools

*Florence Johnson*

**A**uthorization of charter schools ... the phrase conjures up many emotions. To some, it is a bureaucratic exercise to open a new school. To others, it is an emotion-filled attack on the traditional public education system.

But in December 2003, the phrase "authorization of charter schools" meant something very different to the nine-member board of education in Buffalo, N.Y.

To our board, the phrase meant using one more reform tool to close the gap for children in Buffalo. It meant taking control of a process that had controlled the district for three years. It meant refocusing central services to be a provider of outstanding services for all children in Buffalo. It meant a renaissance of the education system—and, for that matter, the city of Buffalo.

### A Study of Feasibility

In 2003, in response to parent surveys showing a strong interest in having choice options in the Buffalo schools, the board contracted with an independent school reform group, the Education Innovation Consortium, to study the feasibility of creating a network of district-authorized charter schools in Buffalo.

The study addressed eight fundamental questions surrounding the issues of district-authorized charter schools:

1. What does the New York State Charter School Act bring to reform in the Buffalo Public Schools (BPS)?
2. Can chartering bring more accountability for results?
3. Can chartering provide greater school choice for parents?
4. How do charter schools compare academically?
5. Can charter schools adequately provide services to children with special needs?
6. What conditions must prevail for BPS and the board of education to be successful charter authorizers?
7. Can a network of charters promote transformation of the entire system?
8. Can chartering bring financial stability to the district?

The study team examined models of school governance and systemic reform that would enable urban school boards to

use the charter school law as a tool for reform to close the achievement gap. In December 2003, after carefully reviewing the study's findings, the Buffalo board voted to "aggressively implement a network of charter schools" in the district.

The intent of this network—the Renaissance Project Schools Initiative—was more than simply authorizing a few charter schools. Instead, the network was to be a well-managed portfolio of schools, operating under a variety of governance structures to best meet the needs of all students in Buffalo. The network was also a plan to revitalize central services to better meet the needs of traditional and charter school students in the district.

### A Variety of Governance Structures

Within the Renaissance Project network, schools operate under a variety of governance structures. The most controversial of these structures—and the one that grabs the most headlines—is that of the charter school.

Such schools typically operate completely independently of the district. In New York, they receive a per-pupil fee from each pupil's district of residence. They are governed by a board of directors and are held fully accountable for academic performance, fiscal stability, and appropriate governance practices.

Other governance structures in the network include contract schools and traditional schools. As their name implies, contract schools operate under a contract with the school district. The contract can include a variety of agreements, such as school-based financial control, school-based staff hiring, independence in professional development choices, or flexibility in scheduling. These contracts are negotiated with the district, keeping in mind the unions' roles in such contracts. Currently, two schools are chartered by the district, with another four slated to open in September; an additional 13 schools are contracted with for-profit companies.

Traditional public school governance structures are also part of a network. Some schools operate efficiently and productively under traditional governance models. In these schools, changing governance structure would have little positive

effect, and may even be detrimental to school operations.

### Reforming a Centralized System

A typical comment heard by school-based leaders working in centralized school systems is that the service providers in the central office do not always understand the needs of individual schools.

In order to refocus the services provided to all schools in the district, Buffalo's Renaissance Project aims at helping central service providers target and focus their services to meet the needs of schools. Charter schools are provided fiscal autonomy and can choose to purchase services from any variety of service providers.

By providing marketing development services to central office service providers, staff members can study the "market" and provide services that meet the needs of the customers, the charter schools. We believe that if services are honed to better meet the needs of charter schools, traditionally governed schools will benefit as well.

The district currently provides transportation for students in all the schools, and some charters contract with the district to provide special education and food service. A catalogue of available services is being developed.

### The Renaissance Process

In April 2004, after a process for authorizing Renaissance Project charter schools had been developed, the district published a request for concept proposals. These submissions were to outline the basic educational, financial, and governance plans for proposed charter schools. The district was especially interested in receiving concept proposals for programs that:

- Emphasized student-focused teaching strategies and operational routines
- Aimed to serve students at-risk of academic failure due to economic disadvantage, a history of involvement with the justice system, or other circumstances
- Planned to address the needs of specific student populations, including students with disabilities, English language learners, or students new to this country
- Offered innovative but well-grounded instruction and organization.

A Renaissance Application Review Team was established to review applications and make recommendations to the full board of education. The review team includes district staff members with

expertise in the areas of curriculum, special education, the education of English-language learners, finance, and instruction. Two members of the board of education also serve on the team, along with and two members of the external Education Innovation Consortium.

The group received and reviewed 19 concept papers; eight of the applicants were invited to submit full proposals.

In September, the team received five full proposals for authorization of charter schools:

1. An alternative education program modeled on the Big Picture Schools created by educator Dennis Littky;
2. A school for newly arrived immigrant children in grades K-4;
3. An amendment to a previously authorized K-8 charter to include grades 9-12;
4. A school focused on students with academic, social or vocational skill deficits; and
5. A K-8 school with an emphasis on the arts. This proposal was later withdrawn.

The review team met and carefully reviewed each application based on congruence with district programs, need for the program in the district, strength of academic program, fiscal stability and appropriate governance structure. Appli-

cants were given the opportunity to meet with the team to clarify issues of concern.

After careful consideration, the review team submitted its recommendations to the board of education. In December 2004, the board authorized the remaining four charter applications, and the schools will open their doors at the beginning of the 2005-06 school year.

### The Political Landscape

The Renaissance Project was initiated on the cusp of great change within the board of education. Buffalo school board members are elected for three- to five-year terms. In 2004, the terms of all nine board members expired simultaneously, a phenomenon that happens every 15 years.

Although the board that was in place before July 1, 2004, had unanimously resolved to implement the Renaissance Project, the board that took office on that date had questions about the viability of district-authorized charter schools as a tool of reform.

Adding to this change in leadership was the retirement of the superintendent. While the board of education searches for a new superintendent, the board members are seeking further information on the Renaissance Project. To enable the board to study the project more extensively, a one-year moratorium on the authorization

of district charter schools went into effect on Jan. 1, 2005.

Careful study of the Renaissance Project as a tool for reform planning, coupled with strong superintendent leadership, will put the district in position to move all Buffalo schools into an era of unprecedented achievement and opportunity for children and families.

In the meantime, the district continues to provide transportation districtwide to any school—including the new charter schools—as part of the district's overall choice program. And recently, Buffalo schools joined with 28 other urban and suburban districts in a regional partnership with Cornell University to explore all the ways the schools might collaborate across district lines. While such collaborations will undoubtedly include charter schools, they might also include such innovative efforts as sharing best practices and combining purchasing power to leverage costs savings.

*Florence Johnson is the chair of the Buffalo (N.Y.) Board of Education. The district is a member of NSBA's Council of Urban Boards of Education, of which Ms. Johnson served as Steering Committee chair.*

*The district's website is [www.buffaloschools.org](http://www.buffaloschools.org). The Renaissance Project Schools Initiative website is [www.rpsi buffalo.org](http://www.rpsi buffalo.org).*

## The Charter Option

*So you are—or want to be—a charter school authorizer. Now what?*

*By William Haft  
and Karla Schultz*

Whether you love them, hate them, or just aren't sure what to think about charter schools, chances are your district will at some time be called upon to authorize one. After all, local districts are far and away the most numerous charter school authorizers—and perhaps the most successful ones as well.

In late 2004, the U.S. Department of Education released a report comparing the performance of charter schools with that of regular public schools. One significant finding leaped out for school districts: The students enrolled in charters authorized by the public school district

performed better than those authorized by some other entity.

As this finding suggests, not only can successful charter schools offer lessons to the regular public schools, but the benefits are likely to be reciprocal.

One important lesson from the first decade of charter schools, then, is that there is nothing magical about the term "charter." Just as with traditional public schools, there are high-performing charter schools, and there are others that have failed to fulfill their promises. Similarly, charter school accountability does not happen automatically. It requires clear expectations, good information about performance, and coherent, merit-based decision-making.

For school district authorizers to fulfill their responsibilities for overseeing charter schools, they need an organizational structure to work from, along with the human and financial resources necessary to carry out their core responsibilities effectively. For that reason, whether you're getting your first chartering request ever or you've already got many charter schools operating in your district, it's important to know your legal and public responsibilities as well as your contractual obligations with particular schools.

Many districts, however, have hesitated to invest resources and energy in their power to authorize charter schools, whether out of uncertainty and ambivalence about charters, or because of state laws that discourage district authorizers. (See the article on page 4.) A number of organizations, including your state school boards association, can help you with this process.

In this article, a few districts and school boards associations (see box) offer

their experiences and advice to help you through the joys and challenges of chartering.

Boiled down to its most essential elements, public oversight of charter schools involves the following basic functions:

1. Decisions about charter applications;
2. Contract development;
3. Oversight, evaluation, and intervention; and
4. Renewal or nonrenewal.

## Making the Decision

Before deciding whether to accept a charter application, the district, or authorizer, must put in place a process for advertising, collecting, evaluating, and approving or rejecting proposals to develop and operate charter schools. The application process is the point at which you can define expectations and opportunities for school developers within the framework of your state's charter school law. A carefully designed application process will follow fair procedures and rigorous criteria and can help generate the number, kind, range, and quality of applications that are likely to result in high-quality charter schools.

Many states' charter school laws are so new that school districts don't have a lot of experience with even this stage in the authorizing process. This is where your state school boards association and the National Association of Charter School Authorizers (NACSA) can help. The Maryland Association of Boards of Education (MABE), for example, has collaborated with the Maryland State Department of Education to develop a resource guide on authorizing charter schools or converting existing public schools to charters. And NACSA has simultaneously collaborated with the Maryland Department to provide authorizer training and guidance to county school board members and staff throughout the state.

School districts interested in authorizing schools should learn as much as possible about this process since many state laws require that local districts provide technical assistance to those making a charter application. One district—California's San Diego Unified School District—has placed on its website a Charter School Application Packet, which includes a copy of district policies and procedures regarding charter schools, a template for drafting the charter petition, and a template for generating financial reports.

In Chicago, which has 20 charter schools, the district has put together an

evaluation committee to review charter applications. The team is composed of equal numbers of district staff and "outside" members, including professors of education, experts with experience in small business plans, and principals of other charter schools.

In Maryland, as in a handful of other states, only public school districts can authorize charters, though MABE Director of Government Relations John

decides to contract with an educational service provider for back office services? For instructional services and leadership? Ultimately, the contract should establish common expectations regarding continued operation—where the floor will be for revocation and how high the bar is set for renewal.

The charter is critical, says Greg Richmond, Chief Officer for New Schools Development in the Chicago Public



**There must be a balance between ensuring public accountability ... and ensuring the autonomy to which charters are entitled.**



Woolums reports that none have yet done so. One reason for the absence of charters in Maryland, besides that fact that the law is so new, is that Maryland's charter school law is distinguished by two factors, which some might consider hurdles:

1. Employees of charter schools are public school employees under collective bargaining agreements of local unions; and
2. Charter school facilities must go through a fairly onerous state specifications and review process.

## Developing the Contract

The charter contract is the legal document granting permission to a group or individual to operate a public school and receive public funding for that purpose consistent with all applicable state and federal requirements. The contract or "charter" should clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences, and other material terms.

As representatives of public accountability, district authorizers need to consider the purpose of the contract, how it will be developed and used, its contents, how and when it might be amended, and which deviations from the contract require district action. For example, does the contract need to be amended if the school chooses a different text book because they are not satisfied with the one they originally planned to use? What about if the school's governing board

Schools. After all, it spells out expectations, student performance measures, and tells a charter school what the district will later evaluate. The New Schools Office is "fixated on measurable student outcomes," according to Richmond.

"It is in our district's interest and the charter school's interest to know what the measures are," he says. That way, everyone knows the basis on which they'll be held accountable and the schools have a way of knowing when they're on the right track.

In San Diego, according to Brian Bennett, Director of the Office of School Choice, the district signs an accountability agreement with each charter school. As in Chicago, this agreement makes clear from the start what is expected of the charter school and provides a basis from which to evaluate the school later.

San Diego's accountability system includes a detailed Memorandum of Understanding (MOU) between the district and each charter school which sets out, among other things, the menu of student, employee, and operations services a charter may obtain from the district; the pricing structure for those services; budgetary arrangements and financial reporting between the district and the charter; and procedures for resolving disputes between the charter school and the district.

## Oversight, Evaluation, and Intervention

Authorizers can oversee charter schools in a number of ways. But whatever the

method, there must be a balance between ensuring public accountability, for which authorizers are responsible, and ensuring the autonomy to which charters are entitled, including minimizing administrative burdens on the schools.

Charter school oversight, evaluation and intervention require school boards to consider the balance between compliance requirements and school autonomy. Excess in one direction can lead to procedural regulations that stultify any notion of autonomy to which charters are entitled,

reliable, objective answer to this question requires substantial planning from the time the charter is approved and ongoing collection of relevant information on which to base the decision. The No Child Left Behind Act makes this assessment even more intricate by introducing layers of accountability that must be wedded to the particular performance terms and goals of the charter.

Again, the original agreement or charter should provide a process for renewal or revocation. In San Diego, two charters

When districts become charter school authorizers, they also can achieve greater control over the educational outcomes in the district. They can set clear expectations and step in if things aren't going well with the charter, that is, they can hold a school accountable for meeting the expectations to which it committed. Ironically, a board may have greater ease and authority to intervene with charters than with traditional schools.

And don't forget that the regular schools can learn from the experiences of the charters. Since San Diego City Schools began pricing out its service options for charter schools it has informed the organization and provision of services to all of its schools. Similarly, Chicago Public Schools is taking lessons learned from its charters and applying them districtwide in some of its Renaissance 2010 initiatives.

While responsibility for the success or failure of any individual charter school resides first and foremost with the school's developers, public school districts can, as authorizers, help encourage development of accountable, effective charter school options in their communities, making charters an invaluable piece in the district's strategy for educational success.

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*Parts of this article are adapted from "Seizing the Charter Moment" by William Haft & Otho Tucker in The State Education Standard, Autumn 2003, published by the National Association of State Boards of Education, and are included with permission.*

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**Increasingly, districts are beginning to embrace charters as an important part of their educational portfolio.**

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while moving too far in the other direction can open the district to abuse of the public funds and public accountability for which the authorizer is responsible. This same kind of balancing is necessary in developing compliance requirements, gathering information relevant to those requirements, and taking appropriate corrective action when the charter school does not meet requirements.

Provided the district has developed a clear contract with a charter school, evaluation is a straightforward concept. It entails comparing the school's actual performance to the performance expectations set out in the contract. The challenge is to have an effective, efficient system for gathering the information needed to make this comparison. To facilitate this process, Chicago uses an even "more robust evaluation process than for the regular public schools," Richmond says, and the same evaluation committee that reviewed the charter application is the team that conducts the review.

### **Renewal and Revocation**

Finally, authorizers are responsible for making the "life or death" decision of whether or not to renew a charter at the end of its term. Districts should design and implement transparent and rigorous processes that use comprehensive data to make merit-based decisions.

The ultimate question—How good is good enough?—goes to the heart of charter school accountability. Developing a

were not renewed because the school lacked adequate financial oversight and had low student performance for three years. In Chicago, the renewal process mirrors the application process, as an existing charter school basically has to reapply for a charter. This time, though, the school will have a track record to examine, so the district can base its decision on actual performance rather than evaluating a concept on paper.

### **Embracing Charters**

In the past, many districts have viewed efforts to create charter schools within their boundaries as an indictment of the existing schools. But increasingly, districts are beginning to embrace charters as an important part of their educational portfolio.

Charter schools can help further a school board's/district's educational mission. Consider the choice options mandated by NCLB, for example. Charters can provide needed options for students at underperforming schools by increasing a district's available choice and transfer options. Often they also help districts better meet the educational needs of students who are not being served effectively in a traditional school setting. For example, Denver Public Schools is seeing increased interest in charters specifically designed to serve the needs of recent immigrant populations - a population that traditional schools have sometimes struggled to serve effectively.

### **FOR MORE INFORMATION**

**The associations and school districts mentioned in this article can be contacted via e-mail:**

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# The Honey Creek Story

*A successful charter school—and a member of the Michigan Association of School Boards*

By Tony Derezinski

On Nov. 4, 2004, Honey Creek Community School, just outside Ann Arbor, Mich., received recognition and a certificate at the annual meeting of the Michigan Association of Public School Academies. I was honored to accept the award on behalf of Honey Creek in my capacity as a member of its board. In my day job, however, I am director of government relations for the Michigan Association of School Boards.

Anything unusual about this picture?

Michigan was one of the first states to pass a charter school law, which it did in 1994 as part of a major reform in school finance. The law provides that charter schools can be created and overseen by four types of public entities: state universities, community colleges, intermediate school districts, and local school districts.

The majority of the state's 218 charter schools have been authorized by universities, which are limited by law to authorizing a total of 150 charters. That limit has been reached. Of the remaining charter schools, 40 have been authorized by intermediate and local school districts.

Students who attend Michigan charter schools—or “public school academies,” as the law calls them—receive the same per-pupil foundation allowance as their counterparts in other public schools.

## Support with Caveats

Many concerns have been voiced in the past 10 years regarding charter schools, especially in places where substantial numbers of students would otherwise have gone to the local public schools, and especially about charter schools that are run by for-profit entities. Nevertheless, the Michigan Association of School Boards (MASB) has taken a measured position in its official resolutions:

“The Michigan Association of School Boards supports innovative change in our elementary and secondary school system, including charter schools, known in Michigan as public school academies, if they are established and operated as authentic public schools.”

The resolution goes on to state some caveats:



Young children at the Honey Creek Community School in Ann Arbor, Mich., create artworks for one of the project-based learning activities that are a hallmark of the school's program.

1. The chartering legislation should not allow mere duplication of existing programs;

2. It must provide means for public oversight of charters;

3. It must not give charters an unfair competitive advantage over other public schools; and

4. Ideally, charters should be granted only by the board of education of a local or intermediate school district.

Then the resolution concludes: “The MASB also encourages boards of education to investigate whether chartering a public school academy would enhance the educational opportunities for students in their districts.”

## Honey Creek's Beginnings

Following passage of the charter school statute, the Washtenaw Intermediate School District developed a demanding set of requirements for any charter seeking authorization by the district. Such a school must offer voluntary enrollment; students, parents, faculty, administration, and the local community must be involved in planning, operating, and evaluating the school; and the school must be locally developed, or “home grown.”

A proposed charter must also allocate resources differently from the way they are allocated by conventional programs. It must have well-defined goals and a diverse and representative enrollment. And finally, the school and its programs must work

to build close relationships with the existing public schools in its area.

Honey Creek was initiated by a group of parents that had formed a day-care program called the Child Care Connection, where children of different ages learned together but were treated individually. As their children grew older, the parents saw the need for a school program that operated on a similar philosophy.

Washtenaw ISD had space available in High Point, a facility that serves special education students, some of them severely disabled. The two groups of students could gain from each other, and the facility had the capacity for both.

In 1995, the Washtenaw school board granted a charter to Honey Creek Community School, stressing that it met the goals of diversity and collaboration with others and offered a combination of educational goals and resources that were not available in current programs.

William Miller, WISD superintendent, says the district received five or six applications for charters, but Honey Creek met local needs best. The programs it offered were unique and innovative, and there was a high degree of parental involvement. Also interesting, Miller says, is that a substantial number of Honey Creek students come from home-schooling backgrounds or from local private schools and would not have been enrolled in other local public schools.

WISD provides support as well as over-

sight for Honey Creek, which Miller says is a pioneer—one of the first charter schools in the state, stressing innovation, having many points of intersection with the local community, and meeting the goal of student achievement.

### A Successful Program

Honey Creek's program emphasizes project-based learning in which children of different ages are mixed together and learn from each other. Community projects and care of the environment are stressed, Miller says, and individual goals are set for students.

Carol Kamm, the president of the board of Honey Creek School, is also impressed by the innovative ways the children of different ages are mixed and the recognition that different children learn in different ways and at different ages. "It is so rewarding to see older children lead and assist the younger ones," she says, "not only in substantive subjects such as reading, but also in the projects they undertake as multidisciplinary learning experiences."

Another strength, Kamm says, is parent involvement. Honey Creek enrolls 142 students in kindergarten through eighth grade, and many parents are teachers at other local schools.

The school's new executive director, Sarena M. Conaway, moved to the area from Indiana to take the position. But Conaway was no stranger to Honey Creek: Her doctoral dissertation focused on the quality of student work at the school.

She has returned to Honey Creek at an important point in the school's history. The coming year will bring up the rechartering of the school by the Washtenaw ISD, which will entail a thorough review of the school's operations and accomplishments.

Conaway believes that Honey Creek has done well—its students meet or exceed the state standards expected of them. And she stresses the school's commitment to develop critical thinkers who have confidence in their ability to apply their minds to a diverse range of disciplines and problems. Honey Creek, she says, is "poised for greatness" and, consistent with the desires of the ISD, can serve as a model for others.

As a member of MASB, Honey Creek asked the association to consult with the school on governance issues, knowing that it was at a transitional stage in its development after 10 years. As a member of the

MASB staff who was also a resident of Honey Creek's local community, I worked with its board to help with the transition.

On the basis of that experience—and as a member of the Honey Creek board who works with school districts across the state and with state legislators and other education officials—I believe the school has done well and will do even better. One of its strengths is its relationship with the ISD.

MASB's position is to encourage local school boards and intermediate school

boards to consider creating charter schools to provide unique and innovative alternatives. Here is one that works.

*Tony Derezinski is the director of government relations for the Michigan Association of School Boards ([www.masb.org](http://www.masb.org)). An attorney, he also teaches university-level courses in education law and received NSBA's Thomas A. Shannon Award for excellence in school board association leadership in 2004.*

*For more information on Honey Creek, visit the school's website, <http://hc.wash.k12.mi.us>.*

## NAEP and Charter Schools

### An opinion from NSBA's BoardBuzz weblog

In December 2004, the U.S. Department of Education at last made official its 2003 National Assessment of Educational Progress report, which—for the first time—looked at the performance of charter schools nationwide. You may remember this as the previously unpublished study that made headlines in August when an investigative report by the American Federation of Teachers (AFT) sparked fierce debate.

The AFT report essentially questioned why the federal government delayed, allegedly twice, the release of the NAEP Charter School Report. Frustrated at the delay, AFT researchers decided to comb through the NAEP website themselves to find the data, which were available but not yet packaged. Their conclusion? Fourth-graders in charter schools are performing worse academically than their peers in traditional public schools.

"The scores are low, dismayingly low," agreed Chester E. "Checker" Finn Jr., of the Fordham Foundation. A *New York Times* editorial opined that this called into question the reliance of the No Child Left Behind Act (NCLB) on charter schools as a remedy for failure to make Adequate Yearly Progress (AYP).

A torrent of comments and critiques followed, including those from the Center for Education Reform, the folks at Edupunk, Howard Fuller of the Charter School Leadership Council, former U.S. Secretary of Education Rod Paige, and others. Fordham's Checker Finn followed up to his initial reaction by issuing an "expanded statement."

All made pretty much the same argu-

ment: Test scores are not the be-all and end-all of academic success. Some suggested the results are essentially baseline data, while others note that the results are merely a "snapshot" of charter school performance—in other words, a single test at a single point in time.

Indeed. Since these are the first ever NAEP data on charter student performance, it does make sense to take the results with a grain of salt. But it doesn't follow that the data ought to be discounted, as some seem to be suggesting. Former Education Secretary Paige, for example, blasted the AFT's "analysis," saying it "used faulty methodology to come up with a flawed conclusion. In other words, it was wrong."

That prompted a reply from the chair of the national board that oversees NAEP: "The data is probably what it is," Darwin Winnick said. "NAEP is pretty accurate. There shouldn't be any question about the results." Well, that's a relief, since NAEP is widely called the "nation's report card" and plays a role as a guidepost for public schools under NCLB.

Further analysis of the December report shows not only that charter school students did not perform as well on exams and their counterparts, but that the gap is even bigger when special education students' scores are excluded from the comparison. Since charter schools typically serve fewer special education students, especially those with severe needs, this would make for a more accurate comparison.

### Good News for Districts

There is one bit of good news in the

NAEP report though: Charter schools authorized and overseen by school districts outperform those run by independent operators.

So what is the Department of Education's response? Outgoing Deputy Secretary of Education, Eugene Hickok echoed former Secretary Paige's earlier words: The results are a "snapshot in time." He also observed that charters, most of which are located in cities, tend to enroll a large number of African-American students.

Really. We will refrain from accusing those who attack public schools while singing the praises of choice of having an aversion to accountability or of harboring doubts that all children can learn.

That is, of course, the rote reaction of many of these same folks whenever supporters of "traditional" public schools attempt to explain or provide realistic context to test scores, be they NAEP

exams, the SATs, or state assessments. In fact, the author of the AFT report, Bella Rosenberg, suggests that Hickok's comments might be construed of reflecting "the soft bigotry of low expectations," a charge that has been leveled at public school educators.

"Charters are as diverse as the children they educate," Secretary Paige said. Ah. And so are traditional public schools, if not more so. What's the point? Again, when school board members or superintendents say something like that about their schools, critics jump all over them for "making excuses."

What we're saying is, let's find some consistency when it comes to judging the success or challenges of all schools.

### The 'Snapshot' Argument

Back to the point about the data merely being a "snapshot" and not telling the

whole story. Fuller, Finn, and others argue that a more accurate picture can be presented by examining how students do from year to year. This is referred to as "value-added" gain. The National Association of Charter School Authorizers endorses this, too.

In other words, tracking the progress of students in a school can tell us a lot more about the success of that school, as opposed to comparing cold, hard test scores across schools, especially when their student populations change so much annually. After all, no two schools anywhere in America are educating exactly the same students. An all-or-nothing measurement of success is simplistic.

Well, why didn't that ever occur to us? Oh, that's right: It did. In fact, NSBA has been saying that this is one of the flaws with AYP under NCLB. We have recom-

## CHARTER SCHOOL RESOURCES AND REPORTS

Here is a list of useful and thought-provoking resources on issues concerning charters and school choice. These and additional resources are available at [www.nsba.org/na](http://www.nsba.org/na).

*Charter Schools Program Non-Regulatory Guidance* from the Department of Education. [www.ed.gov/policy/elsec/guid/cspguidance03.pdf](http://www.ed.gov/policy/elsec/guid/cspguidance03.pdf).

"Charters Ten Years In: How have charter schools delivered on their promise of reform through deregulation?" A look at how charter schools are, or are not, meeting expectations, from the *American School Board Journal*. [www.asbj.com/2002/11/1102coverstory.html](http://www.asbj.com/2002/11/1102coverstory.html).

*Choosing Better Schools: A Report on Student Transfers Under the No Child Left Behind Act*. Citizens' May 2004 Commission on Civil Rights report found that school choice was used more extensively than previously reported, but requests were greater than actual transfers. It also found that access to choice options is directly related to state and district policies and practices. [www.cccr.org/ChoosingBetterSchools.pdf](http://www.cccr.org/ChoosingBetterSchools.pdf).

*Closing Low-Performing Schools and Reopening Them as Charter Schools: What Role Can and Should States Play?* This ECS report explores five policy strategies for restructuring low-performing schools as charter schools. [www](http://www).

[ecs.org/clearinghouse/54/25/5425.htm](http://ecs.org/clearinghouse/54/25/5425.htm).

*Fast Break in Indianapolis: A New Approach to Charter Schooling*. Explores Indianapolis' charter school experience under the only mayor in the nation who can authorize charter schools. [www.ppionline.org/documents/Indy\\_0921.pdf](http://www.ppionline.org/documents/Indy_0921.pdf).

*Rhetoric Versus Reality: What We Know and What We Need to Know About Vouchers and Charter Schools*. A book from the Rand Corporation that attempts to identify and articulate the questions that must be answered to assess policies that promote either voucher or charter policies for the public education system. [www.rand.org/publications/MR/MR1118](http://www.rand.org/publications/MR/MR1118).

*School Choice Policies: How Have They Affected Michigan's Education System*. From the Education Policy Center at Michigan State, this July 2002 report investigates how school choice policies have changed Michigan's education system. It looks at the responses of traditional school districts, and how choice policies have changed relationships among school districts and other actors in the educational system. [www.epc.msu.edu/publications/workpapers/choicepolicy.pdf](http://www.epc.msu.edu/publications/workpapers/choicepolicy.pdf).

*School Choice: Doing It the Right Way Makes a Difference*. In this report, the National Working Commission on Choice in K-12 Education explores how

choice works and examines how communities interested in the potential benefits of new school options could obtain them while avoiding choice's potential damage. [www.brookings.edu/dybdocroot/gb/brown/20031116schoolchoicereport.pdf](http://www.brookings.edu/dybdocroot/gb/brown/20031116schoolchoicereport.pdf).

*Seeds of Change in the Big Apple: Chartering Schools in New York City*. Examines whether charter schools in New York City translate into positive change in the overall public school system. [www.ppionline.org/documents/NewYork\\_0921.pdf](http://www.ppionline.org/documents/NewYork_0921.pdf).

*Stimulating the Supply of New Choices for Families in Light of NCLB: The Role of the State*. An Education Commission of the States looking at the possible role states might play in stimulating the supply of new school choices, even though the provision of transfer options is a district responsibility under NCLB. [www.ecs.org/clearinghouse/54/26/5426.htm](http://www.ecs.org/clearinghouse/54/26/5426.htm).

"The Cyber Charter Challenge." An *American School Board Journal* exploration of the impact of cyber charter schools. [www.asbj.com/specialreports/0902Special%20Reports/S2.html](http://www.asbj.com/specialreports/0902Special%20Reports/S2.html)

Western Michigan University's Evaluation Center has done evaluations of Connecticut, Pennsylvania, and Michigan's charter schools initiatives. [www.wmich.edu/evalctr/pubs/ecpub.htm#Evaluation%20Reports](http://www.wmich.edu/evalctr/pubs/ecpub.htm#Evaluation%20Reports).



mended that the feds provide states the flexibility to adopt “gain score” or “value added measures” as the principle means for determining AYP rather than cut-scores. And we’ve suggested the inclusion within AYP calculations of the *progress of students* as they move from “below proficient” levels to “proficient.”

“A little more tough love is needed for these schools,” Mr. Finn tells us. “Somebody needs to be watching over their shoulders.” Again, we agree. Local school boards that are accountable to their communities sometimes are the ones to authorize charter schools in their districts, and some state school boards associations are providing services to charter schools. (See page 13.)

On the other hand, when a local board

evaluates local needs and decides they are not best served by chartering a school—or, heaven forefend, when a board revokes a charter for a school’s failure to live up to its obligations—the board routinely is vilified with the usual hackneyed cheap shots.

Some charter advocates have responded by making an end run around local control and having charters imposed from on high through state action, sometimes in the very same communities that already considered the option and decided against it.

And so we conclude, for now at least, with this thought. A wish, actually. Let this debate that has exploded over fair and more accurate assessments of the performance of charter schools extend to *all* pub-


licly funded schools. That means traditional public schools, charter schools, and, yes, private schools taking taxpayer-funded vouchers. We’re pretty confident that in a true apples-to-apples comparison, public schools will come out looking very good.

*This is an updated version of the August 19, 2004 edition of NSBA’s weblog, BoardBuzz. You can read BoardBuzz daily at [www.nsba.org](http://www.nsba.org). The original version of this article is available in the BoardBuzz archives for August 19, 2004.*

*The NAEP report can be found here: <http://nces.ed.gov/nationsreportcard/studies/charter/2005456.asp>.*

*And the AFT report is available here: <http://www.aft.org/pubs-reports/downloads/teachers/NAEPCharterSchoolReport.pdf>.*

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